UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,828	04/12/2001	Michal Kahan	Q60535	1955

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EXAMINER
HANNE, SARA M

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/832,828	KAHAN ET AL.
	Examiner	Art Unit	
	Sara M Hanne	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 January 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4,7,8,10-23,26-41,43-55 and 57</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4, 7, 8, 10-23, 26-41 and 43-55 and 57</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment received on January 5, 2005. Claims 1-

4, 7, 8, 10-23, 26-41 and 43-55 and 57 are pending in the application.

Examiner herein notes cancelled claims 5, 6, 9, 24, 25, 42 and 56.

Examiner herein notes currently amended claims 1, 14, 19, 34, 47, 55 and 57.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 7-8, 11-17, 19-23, 26-29, 31-41, 43-45, 47-53, 55 and 57 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Tso et al., US Patent 6047327 in

further view of Kaplan et al., US Patent 5446891. Tso et al. teaches a method,

apparatus, and executable program for aggregating information to be sent to a terminal

as seen hereafter.

As in Claims 1, 14, 19, 34 and 47, Tso et al. teaches receiving a data item(s)

from a outside application including personalized information pushed to the subscriber

(Figure 5, Block 107-109) according to a provisioning profile associated with the

subscriber (Figure 5, Block 103-105) and transmitted to the outside application (the

user's profile is developed by the user and must be sent to the provider, Column 14

lines 43 et seq.) a web server that transmits the data items item to the terminal (Figure

5, Block 107) where each data item is associated with a generic action menu or an

application specific menu (Figure 4, Action Menu ref. 93 and corresponding text) and a

control processor (61) connected to the application interface processor, the subscriber

database (53) and the web server (Content Providers and Network A). While Tso et al.

teaches such a system for a subscriber sending a profile to an outside application which

formats information according to such a profile and then sending the information to the

subscriber where each data item is associated with a generic action menu or an

application specific menu, they fail to show the arranging of the selected data items

according to subscriber selected presentation rules, each data item associated with a

rule as recited in the claims. Kaplan et al. teaches a networked system for data

transmission according to user profiles similar to that of Tso et al. Kaplan et al. further

teaches arranging of the selected data items according to subscriber selected

presentation rules, each data item associated with a rule (Figure 7). It would have been

obvious to one of ordinary skill in the ad, having the teachings of Tso et al. and Kaplan

et al. before him at the time the Invention was made, to modify the transmittal of

personalized data according to the subscriber's provisioning profile between a

subscriber and an outside application where each data item is associated with a generic

action menu or an application specific menu taught by Tso et al. to include the ordering

of data items according to subscriber selected presentation rules of their display of

Kaplan et al., in order to obtain a customized display for a mobile Internet browser. One

would have been motivated to make such a combination because an adaptable

subscriber prioritized display would have been obtained, as taught by Kaplan et al.

As in Claims 2, 15 and 20, Tso et al. teaches updating the provisioning profile

based on a command received from the terminal ("if the user performs an InfoAction,

such as requesting greater detail of the traffic condition for a particular freeway, then

operation in FIG. 5 will continue with block 113", Column 15, lines 5-8),

As in Claims 3, 16, 22, 29 and 38, Tso et al. further teaches updating the

provisioning profile by transmitting this command to the control server to update a

presentation rule with one of the data items with the wireless gateway and using a

controller ("if the user performs an InfoAction, such as requesting greater detail of the

traffic condition for a particular freeway, then operation in FIG. 5 will continue with block

113", Column 15, lines 5-8),

As in Claims 4 and 23, Tso et al. claims the control server storing the updated

provisioning profile in a subscriber database and further in reference to Claim 39, on the

database server (Figure 5, Blocks 113-115).

As in Claims 7 and 26, Tso et al. teaches the control server storing the received

data items in a terminal subscriber's database (Figure 5, Block 107) by the control

server as in further reference to Claim 43.

As in Claims 8, 17, 27-28, 44-45 and 52-53, Tso et al. teaches an application

adapter (specifically 'application B') translating the received data item to comply with the

application interface contract if it does not already (Column 24, Lines 18-33).

As in Claim 11, Tso et al. teaches the formatted data item to be transmitted to the

to the receiving terminal, and furthermore by using a data communications protocol

(Column 17, lines 1-17).

As in Claim 12 and 32, Tso et al. also teaches the terminal being a mobile

terminal (Column 17, lines 1-17).

As in Claim 13 and 33, Tso et al. also teaches the terminal being a client terminal

(Column 17, lines 1-17).

As in Claims 21 and 37, Tso et al. teaches the wireless gateway to receive a

command from the terminal (Figure 5, Block 111).

As in Claim 31, Tso et al. teaches the wireless gateway to transmit data items to

the terminal (Figure 5, Block 111).

As in Claims 35 and 48, Tso et al. teaches an operator platform for accessing the

subscriber's profile (subscriber database 53, and server resource database 55 are

accessed through the use of ODBC API 59", Column 6, lines 38-39).

As in Claims 36 and 49, Tso et al. teaches a wireless gateway connected to the

web server (it is common to one of ordinary skill in the art for a web server to be

connected to a wireless gateway as suggested in column 16, line 47 with the Infocast

servers).

As in Claims 40 and 50, Tso et al. continues to claim a short message service

center connected to the control server (Figure 2, Refs. 17 and 41).

As in Claims 55 and 57, Tso et al. teaches a method and executable program for

a mobile networking system that edits and sends data from the outside application

according to user-updateable profiles as seen supra wherein personalized information

pushed to the subscriber (Figure 5, Block 107-109) according to a provisioning profile

associated with the subscriber (Figure 5, Block 103-105) and transmitted to the outside

application (the user's profile is developed by the user and must be sent to the provider,

Column 14 lines 43 et seq.) and associating each data item with a generic action menu

or an application specific menu (Figure 4 with corresponding text). While Tso et al.

teaches such a system for a subscriber sending a user updatable profile to an outside

application which formats information according to such a profile and then sending the

information to the subscriber and associating each data item with a generic action menu

or an application specific menu, they fail to show the arranging of the selected data

items according to subscriber selected presentation rules, each data item associated

with a rule as recited in the claims. Kaplan et al. teaches a networked system for data

transmission according to user profiles similar to that of Tso et al. Kaplan et al. further

teaches arranging of the selected data items according to subscriber selected

presentation rules, each data item associated with a rule (Figure 7). It would have been

obvious to one of ordinary skill in the ad, having the teachings of Tso et al. and Kaplan

et al. before him at the time the Invention was made, to modify the mobile system taught

by Tso et al. to include the ordering of data items according to subscriber selected

presentation rules of their display of Kaplan et al., in order to obtain a adaptable display

for a mobile Internet browser. One would have been motivated to make such a

combination because a visually customizable display system would have been

obtained, as taught by Kaplan et al.

4. Claims 10, 18, 30, 46 and 54 are rejected under 35 U.S.C. 103(a) as being

unpatentable over by Tso et al., US Patent 6047327 and Kaplan et al., US Patent

5446891, and in further view of Gerace, US Patent 5848396.

As in Claims 10, 18 and 30, Tso et al. and Kaplan et al. teach a mobile

networking system that edits and sends data from the provider application according to

user-updateable profiles, associating each data item with a generic action menu or an

application specific menu as seen supra. While Tso et al. and Kaplan et al. teach such a

system, they fail to show the generating of a terminal subscriber home page according

to a presentation rule to be transmitted to the web server as recited in the claims.

Gerace teaches a networked system for data transmission according to user profiles

similar to that of Tso et al. and Kaplan et al. In addition, Gerace further teaches a

control server (ref 79) which generates a subscriber home page according to a user's

presentation rule in the profile ("The system then generates a custom Home Page,

including a user's preferred (content and presentation) agate information.", Column 4,

lines 23-25). It would have been obvious to one of ordinary skill in the ad, having the

teachings of Tso et al. and Kaplan et al. and Gerace before him at the time the

invention was made, to modify the mobile system taught by Tso et al. and Kaplan et al.

to include the home page generation according to user defined performance rules of

Gerace, in order to obtain a user-defined automatic dynamic homepage for a mobile

system. One would have been motivated to make such a combination because a more

personalized system for obtaining web information would have been obtained, as taught

by Gerace.

As in Claims 46 and 54, Tso et al. and and Kaplan et al. teach a mobile

networking system that edits and sends data from the provider application according to

user-updateable profiles and associating each data item with a generic action menu or

an application specific menu as seen supra. Gerace teaches a networked system for

data transmission according to user profiles.that generates a Home Page according to

uper defined presentation rules. While Tso et al. and Kaplan et al. and Gerace teach

such a system for obtaining data items and generating a home page according to the

user's profile and rules, they fail to show the sending of a terminal subscriber home

page to the web server as recited in the claims. It would be obvious to one of ordinary

skill in the art, having the teachings of Tso et al. and Kaplan et al. and Gerace before

him at the time the invention was made, to transmit the Home Page to the web server.

One would have been motivated to make such a combination in order to keep a global

copy of the generated page if the user wished to access it from other devices on the

same provider or to share the user's formatted page with other users.

5. As in Claims 41 and 51, Tso et al. and Kaplan et al. teach all of the limitations of

independent Claims 34 and 47 as seen above. Tso et al. and Kaplan et al. fail to teach

an IVR (Interactive voice response) server. However the examiner takes official notice

that it is well known to one of ordinary skill in the ad to use an IVR (Interactive voice

response server). One would have been motivated to make such a combination so that

visually handicapped users or users that may not be able to use the keypad on a mobile

phone could use the invention of Tso et al. and Kaplan et al.

Response to Arguments

Applicant's arguments with respect to the amended claims filed 1/5/2005 have

been fully considered but they are not persuasive. The amendment to the independent

claims does not overcome the above stated prior art of Tso et al. in combination with

Kaplan et al.

In response to the argument that there is no motivation to combine Tso et al. and

Kaplan et al. and Gerace, the examiner disagrees. In response, the examiner would

like to point out Column 14 lines 43-45 in which Kaplan et al. describes changing the

link-weight according to the user's activity, thereby updating their profile in order to

arrange the received data items for display. Tso et al. also teaches a profile to control

what will be displayed on screen via a filter (Figure 5). Gerace also teaches a

behavorial profile for controlling data display, therefore all three reference teach similar

art, and furthermore Tso teaches the amended subject matter as seen in the claim 1

rejection *supra*. The addition to the claims in no way changes the ability for the three

cited references to be combined, nor do the remarks explain a deficiency for the claims

to be combined.

Examiner fails to see the reference of an application-specific action menu

included in claim 10 as stated in the remarks on page 19, lines 3-4. However, this

limitation is included in the recitation of Claim 1, also stated in the remarks. The remarks

section on page 19 further states that Figure 8 of the instant application teaches an

exemplary application-specific action menu as recited in Claim 1. This menu is an item

with hyperlinks for the user to select so that they may either bid, or see more

information concerning that particular item. Tso teaches a very similar action menu

(labeled Actions) displayed in Figure 4 with data items filtered according to a

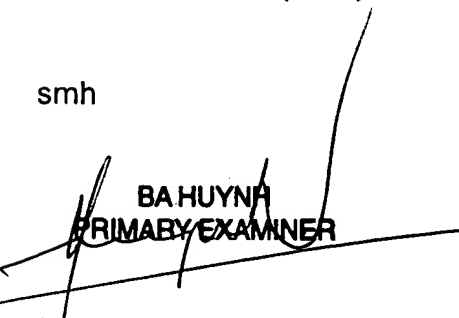provisioning profile (See the rejection state *supra*).

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to

consider these references fully when responding to this action. The documents cited

therein teach similar customizable display systems for downloading information.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sara M Hanne whose telephone number is (703) 305-

0703. The examiner can normally be reached on M-F 7:30am-4:00pm, off on

alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

smh

BA HUYNH
PRIMARY EXAMINER